

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1403, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 25-1-5-4, AS AMENDED BY P.L.44-2000,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2002]: Sec. 4. (a) The bureau shall employ necessary staff,
- 6 including specialists and professionals, to carry out the administrative
- 7 duties and functions of the boards, including but not limited to:
- 8 (1) notice of board meetings and other communication services;
- 9 (2) recordkeeping of board meetings, proceedings, and actions;
- 10 (3) recordkeeping of all persons licensed, regulated, or certified
- 11 by a board;
- 12 (4) administration of examinations; and
- 13 (5) administration of license or certificate issuance or renewal.

- 1 (b) In addition the bureau:
- 2 (1) shall prepare a consolidated statement of the budget requests
- 3 of all the boards in section 3 of this chapter;
- 4 (2) may coordinate licensing or certification renewal cycles,
- 5 examination schedules, or other routine activities to efficiently
- 6 utilize bureau staff, facilities, and transportation resources, and to
- 7 improve accessibility of board functions to the public; and
- 8 (3) may consolidate, where feasible, office space, recordkeeping,
- 9 and data processing services.
- 10 (c) In administering the renewal of licenses or certificates under this
- 11 chapter, the bureau shall ~~issue a sixty (60) day notice of expiration to~~
- 12 ~~all holders of a license or certificate. The notice shall be accompanied~~
- 13 ~~by appropriate renewal forms: send a notice of the upcoming~~
- 14 **expiration of a license or certificate to each holder of a license or**
- 15 **certificate at least sixty (60) days before the expiration of the**
- 16 **license or certificate. The notice must inform the holder of the**
- 17 **license or certificate of the need to renew and the requirement of**
- 18 **payment of the renewal fee. If this notice of expiration is not sent**
- 19 **by the bureau, the holder of the license or certificate is not subject**
- 20 **to a sanction for failure to renew if, once notice is received from**
- 21 **the bureau, the license or certificate is renewed within forty-five**
- 22 **(45) days after receipt of the notice.**
- 23 (d) In administering an examination for licensure or certification,
- 24 the bureau shall make the appropriate application forms available at
- 25 least thirty (30) days before the deadline for submitting an application
- 26 to all persons wishing to take the examination.
- 27 (e) The bureau may require an applicant for license renewal to
- 28 submit evidence proving that:
- 29 (1) the applicant continues to meet the minimum requirements for
- 30 licensure; and
- 31 (2) the applicant is not in violation of:
- 32 (A) the statute regulating the applicant's profession; or
- 33 (B) rules adopted by the board regulating the applicant's
- 34 profession.
- 35 (f) The bureau shall process an application for renewal of a license
- 36 or certificate:
- 37 (1) not later than ten (10) days after the bureau receives all
- 38 required forms and evidence; or

1 (2) within twenty-four (24) hours after the time that an applicant
2 for renewal appears in person at the bureau with all required
3 forms and evidence.

4 This subsection does not require the bureau to issue a renewal license
5 or certificate to an applicant if subsection (g) applies.

6 (g) The bureau may delay issuing a license renewal for up to ninety
7 (90) days after the renewal date for the purpose of permitting the board
8 to investigate information received by the bureau that the applicant for
9 renewal may have committed an act for which the applicant may be
10 disciplined. If the bureau delays issuing a license renewal, the bureau
11 shall notify the applicant that the applicant is being investigated.
12 Except as provided in subsection (h), before the end of the ninety (90)
13 day period, the board shall do one (1) of the following:

14 (1) Deny the license renewal following a personal appearance by
15 the applicant before the board.

16 (2) Issue the license renewal upon satisfaction of all other
17 conditions for renewal.

18 (3) Issue the license renewal and file a complaint under IC 25-1-7.

19 (4) Request the office of the attorney general to conduct an
20 investigation under subsection (i) if, following a personal
21 appearance by the applicant before the board, the board has good
22 cause to believe that there has been a violation of IC 25-1-9-4 by
23 the applicant.

24 (5) Upon agreement of the applicant and the board and following
25 a personal appearance by the applicant before the board, renew
26 the license and place the applicant on probation status under
27 IC 25-1-9-9.

28 (h) If an individual fails to appear before the board under subsection
29 (g), the board may take action on the applicant's license allowed under
30 subsection (g)(1), (g)(2) or (g)(3).

31 (i) If the board makes a request under subsection (g)(4), the office
32 of the attorney general shall conduct an investigation. Upon completion
33 of the investigation, the office of the attorney general may file a
34 petition alleging that the applicant has engaged in activity described in
35 IC 25-1-9-4. If the office of the attorney general files a petition, the
36 board shall set the matter for a hearing. If, after the hearing, the board
37 finds the practitioner violated IC 25-1-9-4, the board may impose
38 sanctions under IC 25-1-9-9. The board may delay issuing the renewal

beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the bureau may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the bureau must obtain the approval of the affected board or committee."

(l) An application for a license, certificate, registration, or permit is abandoned, without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application."

Renumber all SECTIONS consecutively.

(Reference is to HB 1403 as introduced.)

and when so amended that said bill do pass.

Representative Brown C